

REMARKS

Claims 1, 3, 6 and 8-9 are pending in the application. Claims 4-5 and 7 are cancelled from the application without prejudice. No new matter has been added to the application by way of these claim amendments.

The examiner's claim rejections are overcome or they are traversed as set forth below.

I. THE 112, 2nd PARAGRAPH REJECTION OF CLAIMS 4-5

The examiner's rejection of claims 4-5 for being indefinite is moot as claims 4-5 are cancelled from the application without prejudice above.

II. THE ANTICIPATION REJECTION

The examiner's anticipation rejection of claim 7 is moot as claim 7 is cancelled from the application without prejudice above.

III. TRAVERSE OF THE OBVIOUSNESS REJECTION

The examiner rejected claims 1, 3, 6 and 8-9 for being obvious over Wong (USP 5,822,445) in view of Johnson (USP 6,444,969). The examiner's rejection is hereby traversed.

Pending application claims 1 and 8 are independent claims. It is the examiner's position that Wong discloses all of the features of claims 1 and 8 except for a sensor including an interference filter disposed between the planar slab waveguide and the detecting means. It is the examiner's position that Johnson discloses this missing feature of Wong and that the combination renders claims 1 and 8 obvious.

Independent claims 1 and 8 are non-obvious and patentable over the cited prior art at least because there is no disclosure of an interference filter in Johnson. The examiner cites col 4, lines 24-27 of Johnson as disclosing an "interference" filter. However this excerpt of Johnson does not disclose the claimed "interference" filter. Instead, the cited excerpt of Johnson merely discloses a "filter" (20) for passing only radiation from the LED and rejecting any other sort of stray radiation. There is absolutely no disclosure or suggestion in Johnson that filter (2) is an interference filter. Indeed, one skilled in the art at the time of the invention would understand the recited Johnson filter could be a simple normal absorption filter which is not an "interference" filter because it would have no effect at all on the solid angle of light that is scattered from a point where a fingerprint ridge

contacts the surface of the prism and is subsequently detected. On the other hand, the claimed interference filter has a multi-layer construction and will reject light incident on the filter at a small angle away from normal incidence even if light of the same the same wavelength is passed at normal incidence - this allows closely spaced features to be resolved. (*See* specification at page 5, lines 6-9). The combination of Wong and Johnson, therefore, does not create a prima facie case of obviousness because neither reference discloses an interference filter and rejection of claims 1, 3, 6 and 8-9 should be withdrawn.

CONCLUSION

Claims 1, 3, 6 and 8-9 are believed to be patentable for the reasons recited above. Favourable reconsideration and allowance of all pending application claims is, therefore, courteously solicited.

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